

Reference Number: H92001774A  
Dispatch Number: 254434.  
Mailing Date: July 22, 2003  
Office Action

Patent Application Number: 041130/2001  
Drafting Date: July 17, 2003  
Examiner of the Patent Office: Takahiko Tooyama 9855 5J00  
Agent for the Applicant: Yasuo Sakuta  
Applicable Article: Paragraph 2 of Article 29,

The present application should be rejected for the following reason. If the applicant has an opinion on the examiner's reason for rejection, the applicant can file an argument within 60 days from the mailing date of this office action.

#### Reason for rejection

Because the inventions as claimed in the following claims of the present application could be easily made before its filing by a person having common knowledge in the technical field of the invention on the basis of the inventions disclosed by the following publications distributed in Japan and abroad, they are deemed unpatentable in accordance with Paragraph 2 of Article 29 of the Patent Law.

(For cited references, refer to the list of cited references.)

- Claims 1 to 5
- Cited references 1 to 3
- Remarks

When the inventions claimed in Claims 1 to 3 of the present application is compared with the invention described in Reference 1, the inventions of the present application are different in the following points. While optical amplification is performed in the inventions of the present application, regenerating/repeating is performed in the invention described in Reference 1; and while the inventions of the present application use an optical supervisory signal with a wavelength of approximately 1.48  $\mu\text{m}$ ,

Reference 1 has no such mention. Reference 2 describes a technique that an optical supervisory signal with a wavelength of approximately 1.48  $\mu\text{m}$  is used in an optical communication system using optical amplifiers. Since the inventions described in References 1 and 2 both concern optical communication systems including optical transmitters, no particular difficulty is found in adopting the invention described in Reference 2 in the invention described in Reference 1 to make the inventions claimed in Claims 1 to 3 of the present application.

As a result of comparison between the inventions claimed in Claims 4 and 5 of the present application and the invention described in Reference 1, it is concluded as follows. For systems in which wavelength division multiplexing of supervisory signals is done, a received signal is optically amplified in the inventions claimed in Claims 4 and 5 of the present application, while the invention described in Reference 1 has no mention of optical amplification of a received signal. However, the technique that a received signal is optically amplified is well known to those skilled in the art and it is easy for a person skilled in the art to think of applying the inventions described in References 1 and 2 to an optical receiver with an optical amplifier and make the invention claimed in Claims 4 and 5 of the present application.

If a new reason for rejection is found, the applicant will be notified of it.

#### List of cited references

1. Japanese Unexamined Patent Publication No.083899/1982
2. Japanese Unexamined Patent Publication No. 022925/1992
3. Japanese Unexamined Patent Publication No. 297027/1990

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#### Record of prior art literature search result

Field of investigation: IPC Edition 7 H04B 10/00-10/28  
H04J 14/00-14/08

Prior art literature: Japanese Unexamined Patent Publication No. 14917/1992  
Japanese Unexamined Patent Publication No. 29123/1992  
Japanese Unexamined Patent Publication No. 214936/1991

No.1

This record of prior art literature search result does not constitute a reason for rejection.

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